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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,993	08/21/2003	Jackson Chang	0941-0815P	7091
2292 7590 05/04/2007 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			EXAMINER SHENG, TOM V	
			ART UNIT 2629	PAPER NUMBER
			NOTIFICATION DATE 05/04/2007	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

<b>Office Action Summary</b>	Application No. 10/644,993	Applicant(s) CHANG ET AL.	
	Examiner Tom V. Sheng	Art Unit 2629	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 February 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-10, 13, 14, 16, 17 and 19-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 27-33 is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-10, 13 and 21-23 is/are rejected.
- 7) ☒ Claim(s) 14, 16, 17, 19, 20 and 24-26 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some    \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Claim Objections***

1. Claim 14 is objected to because of the following informalities: Please append "disposed on and " before "coupled to" for further clarification. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3, 7-9 and 21-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Lindeman (US 2003/0078069 A1).

As for claim 1, Lindeman teaches an electronic device (portable communication device 100; fig. 1-4), comprising:

a body (housing portion 102) comprising a main seat (front side 108; fig. 1; page 2, paragraph 19) and a pivotal seat (groove 123; fig. 3; page 2, paragraphs 31-32; and a follower of hinge 135; fig. 4; page 3, paragraphs 34-35);

a display unit (display 106) disposed on the body (integrated with housing portion 102; page 2, paragraph 29); and

an index unit (housing portion 104) received in the main seat of the body (the

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front side 108 of the housing portion 102 receives the housing portion 104 in a closed portion, thus front side 108 corresponds to claimed seat for receiving the index unit; fig. 2; page 2, paragraphs 23-24), having a connecting end (tongue 125; fig. 3; or alternatively cam of hinge 135; fig. 4) coupled to the pivotal seat of the body (coupled as shown; fig. 3 and 4),

a first index port (first portion of a QWERTY keyboard) and a second index port (numeric keypad 121), moving between a first mode (PDA mode) to expose the first index port (when opened as in fig. 1) and a second mode (radiotelephone mode) to expose the second index port (when closed as in fig. 2), wherein the connecting end of the index unit is limited by the pivotal seat of the body when the index unit is moved between the first mode and the second mode (as the housing portion 104 is flipped between the open and closed states, the tongue 125 is always confined within the groove 123, alternatively the hinge 135, specifically the cam, is always confined within the follower, as shown). See paragraphs 34-36 for details on the operation of housing portion 104 rotating over the display 106.

As for claim 2, the display 106 is used for visual feedback of entered characters at both the housing portions 102 and 104, thus the electronic connection is there (paragraphs 18 and 22).

As for claim 3, it is inherent that in the open position, the first portion of the QWERTY keyboard is electronically connected to the display, and in the closed position, the numeric keypad 121 is electronically connected to the display.

As for claim 7, the rejection of claim 1 is applicable, with housing portion 102 corresponding to claimed first element and housing portion 104 corresponding to claimed second element and index unit. In addition, the rotation of the housing portion 104 around the display 106 and the rotation of the housing portion 104 over the display 106 correspond to the two degrees of freedom of the index unit, as claimed.

As for claim 8, Lindeman teaches that the input devices could also be touch screen with display (page 2, paragraph 21). Thus, the input devices of the housing portion 104 (the index unit) could be touch screens with display thus corresponding to claimed display unit disposed on the second element.

As for claim 9, the first portion of a QWERTY keyboard and numeric keypad 121 correspond to claimed first index port and second index port, respectively, and is connected electronically to the display 106 based on the open or closed state of the second housing portion 104.

As for claims 21-23, the tongue 125 does not slide with respect to the groove 123.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 5, 6, 10 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lindeman.

As for claims 5 and 13, Lindeman teaches that display 106 is integrated into the first housing portion 102. Lindeman does not teach that the display unit is disposed on both the first and second panels of the housing portion 102 (claimed body). On the other hand, one of ordinary skill in the art would recognize that a double-sided display is easily implementable and would provide convenient double sided viewing if desired. Obviously, cost would be higher but it is also reasonable to anticipate a demand for this feature even at a higher cost. Therefore, it would have been obvious to provide for a double-sided display based on anticipated although smaller demand.

As for claims 6 and 10, the display 106 is inherently a flat panel display; however Lindeman does not teach the specific kind. On the other hand, one of ordinary skill in the art would recognize the common use of LCD as display in cell phones and the like nowadays. Therefore, it would have been obvious to one of ordinary skill in the art to use LCD as the display 106 because LCD is commonly used and has a small physical size and weight, suitable for use in a cell phone or the like.

***Allowable Subject Matter***

6. Claim 14 is objected to due to a minor objection, but would be allowable if the minor objection is corrected. Claims 16, 17, 19, 20 and 26 are dependent on claim 14.

7. Claims 24-25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
8. Claims 27-33 are allowed.

### ***Response to Arguments***

9. Applicant's arguments filed on 2/16/2007 have been fully considered but they are not persuasive.

With respect to independent claims 1 and 7, the Applicant argues that Lindeman's second housing portion 104 is exposed to exterior whether the portable communication device is in an open or closed mode. However, the same exposure occurs in Applicant's index unit, which always has one index port (or side) exposed as the index unit is seated, in one mode or the other. It's true that Lindeman does not teach a recess or space of the (main) seat for receiving the index unit. However, this feature is not cited in independent claims 1 and 7.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tom V. Sheng whose telephone number is (571) 272-7684. The examiner can normally be reached on 9:00am - 6:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amr Awad can be reached on (571) 272-7764. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Tom Sheng

AMR A. AWAD  
SUPERVISORY PATENT EXAMINER

A handwritten signature in black ink, appearing to read "Amr A. Awad", with a stylized flourish at the end.